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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GRUENBERG

Serial No.: 09/127,138

Filed: July 31, 1998

For: AUTOLOGOUS IMMUNE CELL  
THERAPY; CELL COMPOSITIONS,  
METHODS AND APPLICATIONS TO  
TREATMENT OF HUMAN DISEASE

Art Unit: 1644

Examiner: Schwadron, R.



I hereby certify that this paper and the attached papers are being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents  
Washington, D.C. 20231, on this date.

02/22/00  
Date

Stephanie Seidman

TRANSMITTAL LETTER

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith are an Election in response to the Restriction Requirement, mailed September 22, 1999 and a check for the fee for a four-month Extension of Time (small entity). If a Petition for extension of time is needed, this paper is to be considered such Petition.

**Extension fee for response within the fourth month:**

(X) By a small entity.....\$680.00.

The Commissioner is hereby authorized to charge any fee, including that submitted herewith if the attached check(s) is in the wrong amount or otherwise improper or missing, that may be due in connection with this and the attached papers, or with this application during its entire pendency to or to credit any overpayment to Deposit Account No. 50-1213. A duplicate of this sheet is enclosed.

02/28/2000 STEFERRA 0000006 09127138

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680.00 OP

Respectfully submitted,  
HELLER EHRLMAN WHITE & McAULIFFE LLP

By:

Stephanie L. Seidman  
Registration No. 33,779

Attorney Docket No.: 24731-500E

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**ELECTION AND PRELIMINARY AMENDMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Responsive to the Requirement for Restriction and Election of species, mailed September 23, 1999, applicant elects, without traverse, Group VIII, claims 48, 49, 51, 124-130 directed to methods for altering the *in vivo* regulatory immune cell balance of the mammal, and further selects the alleged species of Th1 or Th1-like cells. Claim 48, 51 and 124-126 read on the elected species. Entry of the following amendment is respectfully requested.

**IN THE CLAIMS:**

~~Please amend claim 126 as follows:~~  
*Stephanie* 126. (Amended) The method of claim [16] 124, wherein at least  $10^{10}$  cells are administered.

**REMARKS**

A check for the fee for a four month extension of time accompanies this response. Any fees that may be due in connection with filing this paper may be charged to Deposit Account No. 50-1213. If a Petition for Extension of time is needed, this paper is to be considered such Petition.

\* \* \*